

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

For the reasons set forth in the Opinion accompanying this Final Order, it is
ORDERED that the “Motion for Relief from Order” filed in Case No. 7:05CV00018
is construed as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28
U.S.C.A. § 2255 (West 2006); for administrative purposes only, the Clerk shall also
docket the motion as a § 2255 motion in his criminal file, Case No. 5:02CR30087;
and the motion is hereby DISMISSED as successive, pursuant to 28 U.S.C.A.
§ 2255(h).

ENTER: April 22, 2009

/s/ JAMES P. JONES
Chief United States District Judge